

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 3, 6, and 17-21 have been amended. Claims 2 and 7-16 have been cancelled. Claims 1, 3-6, and 17-21 are pending and under consideration.

Applicants have timely filed a Request for Continued Examination (RCE) along with this Amendment, including the filing fee as set forth in 37 CFR 1.17(e). Accordingly, Applicants respectfully request that the Examiner withdraw the finality of any Office action and enter this Amendment for consideration under 37 CFR 1.114.

I. Claim Objections

In the Office Action, at page 2, claim 6 was objected to. Claim 6 has been amended in response to this objection. Accordingly, withdrawal of this objection is respectfully requested.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 2-4, claims 7-11 and 21 were rejected under 35 USC § 103(a) as unpatentable over Lipovski et al. (U.S. Patent No. 6,782,266) and further in view of admitted prior art.

Lipovski et al. and the admitted prior art, alone or in combination, do not discuss or suggest:

receiving a light wave and detecting whether the portable communication apparatus is present in a non-restricted area that includes a first illumination source that emits a light wave having a first flicker frequency, a warning area that includes a second illumination source that emits a light wave having a second flicker frequency, or a prohibited area adjacent to the warning area that includes a third illumination source that emits a light wave having a third flicker frequency;

notifying a user of the portable communication apparatus with a notification when the detecting detects the light wave having the second flicker frequency, the notification indicating that the portable communication apparatus is present in the warning area; and

selectively stopping the communication unit from performing all radio communication when the stop control unit receives an instruction from the user to stop all radio communication and during a period of time in which the light wave having the third flicker frequency is detected,

as recited in amended claim 21. In other words, the invention of claim 21 provides for detecting one of three distinct communication areas, including a non-restricted area that includes a first illumination source that emits a light wave having a first flicker frequency, a warning area that includes a second illumination source that emits a light wave having a second flicker frequency, and a prohibited area adjacent to the warning area that includes a third illumination source that emits a light wave having a third flicker frequency, based on the reception of a light wave having one of those three flicker frequencies. Furthermore, claim 21 provides for notifying a user of the presence of the communication apparatus within the warning area that is adjacent to the prohibited area and provides for two different ways of stopping radion communication in the prohibited area, either by an instruction from the user to stop all radio communication or by the mere presence of the radio communication apparatus within the prohibited area. These features of claim 21 are not taught by either Lipovski et al. or the admitted prior art.

Since Lipovski et al. and the admitted prior art, alone or in combination, do not discuss or suggest all of the features of claim 21, claim 21 patentably distinguishes over Lipovski et al. and the admitted prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 7-11 have been cancelled. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 4-9, claims 1-6 and 12-17 were rejected under 35 USC § 103(a) as being unpatentable over Lipovski et al. in view of Fujii (U.S. Patent No. 6,985,729) and further in view of admitted prior art.

As discussed above, the combination of Lipovski et al. and the admitted prior art does not discuss or suggest:

a detection unit configured to receive light waves and to detect whether the portable communication apparatus is present in a non-restricted area that includes a first illumination source that emits a light wave having a first flicker frequency, a warning area that includes a second illumination source that emits a light wave having a second flicker frequency, or a prohibited area adjacent to the warning area that includes a third illumination source that emits a light wave having a third flicker frequency;

a notification unit that notifies a user of the portable communication apparatus with a notification when the detection unit detects the light wave having the second flicker frequency, the notification indicating that the portable communication apparatus is present in the warning area; and

a stop control unit that selectively stops the radio communication

unit from performing all radio communication when the stop control unit receives an instruction from the user to stop all radio communication and during a period of time in which the detection unit detects the light wave having the third flicker frequency,

as recited in amended claim 1. Fujii does not make up for this deficiency. Fujii merely discloses displaying, on a wireless communication apparatus that is currently being restricted from transmission, a notification that transmission is restricted. Such a restriction is merely provided as a restriction of communication by another portable terminal while a new subscriber is carrying out registration communications necessary for subscribing to a mobile telephone service, such that registration is not interrupted.

Thus, even if Baer et al., Fujii, and the admitted prior art were combined, as proposed in the Office Action, the invention of claim 1 would not result. Therefore, claim 1 patentably distinguishes over Baer et al., Fujii, and the admitted prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 3-6 depend either directly or indirectly from independent claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 3-6 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Claims 2 and 12-17 have been cancelled. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 9-10, claims 18-19 were rejected under 35 USC § 103(a) as being unpatentable over Lipovski et al., Fujii, and AAPA and further in view of Baer et al. (U.S. Patent No. 6,782,266).

Baer et al. fails to make up for the deficiencies in the combination of Lipovski et al., Fujii, and AAPA discussed above with respect to claim 1, so that claim 1 patentably distinguishes over Lipovski et al., Fujii, AAPA, and Baer et al.

Claims 18-19 depend either directly or indirectly from independent claim 1, and include all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 18-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

In the Office Action, at pages 10-11, claim 20 was all rejected under 35 USC § 103(a) as being unpatentable over Lipovski et al., Fujii, and AAPA and further in view of Vannel et al. (U.S. Patent No. 6,760,605).

Vannel et al. fails to make up for the deficiencies in the combination of Lipovski et al., Fujii, and AAPA discussed above with respect to claim 1, so that claim 1 patentably distinguishes over Lipovski et al., Fujii, AAPA, and Vannel et al.

Claim 20 depends from independent claim 1, and includes all the features of claim 1, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 20 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

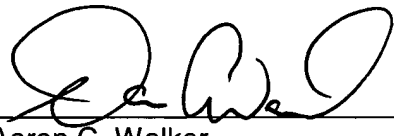
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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